

### REMARKS

#### **Claim objections under 35 USC 112**

Claims 1 and 3 have been amended to overcome the 35 US 112 objections.

New claims 6 through 12 have been added, which are believed not to be objectionable under 35 USC 112.

#### **Claim rejections under 35 USC 103**

Claims 1-5 have been rejected under 35 USC 103(a) under the assumption that it would be obvious for a skilled artisan to combine the teachings derived from Alieri with those derived from Lechner.

Applicant respectfully disagrees with this assumption of the Examiner for the following reasons.

Alieri discloses an apparatus for compression molding of plastic material whereas Lechner discloses an injection molding method.

Apart from the fact that compression molding and injection molding are concerned nowadays with rather different technologies, Alieri is concerned with a compression

molding apparatus whereas Lechner is concerned with an injection molding method. The different technologies are also confirmed by the different patent classification of the two prior art patents.

Therefore, in the applicant's opinion, it would not be obvious for a skilled artisan to adopt, in the compression molding structure disclosed by Alieri, ports, a slender tube inside the tube connecting the ports, holes and return couplings for supplying compressed air to the slender tube provided in the injection molding structure of Lechner, taking into account that in the injection molding processing a flow of molten plastic material towards the outside through the die nozzle takes place, whereas in a compression molding structure there is no such flow of molten plastic material towards the outside, but a compression of the molten plastic material within the mould takes place. In a compression molding structure, there is no such flow. In fact, for the skilled artisan it would require inventive skill to find out in the structure of Alieri the location of the above listed features taught by Lechner and to functionally connect the same in an operative structure.

Only on the basis of non admissible hindsight considerations, i.e. after having learned from the teachings of this application how and where to locate the above features, could it erroneously appear that such location and functional connection of the above identified features is obvious.

In view of the above considerations it is believed that the amended claim 1, claim 2, amended claim 3 and claims 4 and 5 should be allowed.

So more so is it believed that also claims 6-10, directed to the manufacture of caps of plastic material and independent claims 11 and 12 are patentable and allowable.

An Information Disclosure Statement is concurrently sent —under separate cover— transmitting the prior art documents cited in the corresponding PCT Application Number PCT/EP00/00580.

Favourable action is respectfully solicited.

Respectfully submitted,

  
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